HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO. 1041 of 2005

Dated 13th September, 2005

Between:

A.P. State Warehousing Corporation represented by its Managing Director, II Floor, behind Gandhi Bhavan, Nampally, Hyderabad-500 001.

Appellant.

And:

A.P. Warehousing Staff Union, Regd. No.430, represented by its General Secretary, Shri V.Kamalakar, II Floor, Behind Gandhi Bhavan, Nampally, Hyderabad.

Respondent.

JUDGMENT : (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the appellant aggrieved by the order in W.P. No: 21569 of 2001, under which the learned single Judge disposed of the same with a direction mentioned therein.

The appellant is the respondent whereas the respondent herein is the writ petitioner in the writ petition. The parties will be referred to as arrayed in the writ petition for the sake of convenience.

The writ petition has preferred the writ petition seeking to declare the action of the respondent in not regularizing the services of the employees working as

Sweepers as arbitrary and also to direct the respondent to regularise their services as per G.O.Ms.No:212, dated 22.4.1994. The learned single Judge having observed that the matter has to be considered afresh by the Corporation in terms of the G.O. Ms. No.212, dated 22-04-1994, as pointed out subject to the conditions as laid down there under, disposed of the writ petition directing the Corporation to consider the case of the petitioner in terms of the above mentioned G.O. Having aggrieved by the same, the present writ appeal is preferred by the Corporation.

Heard the learned counsel.

We have perused the order impugned and the entire material available on record.

It is contended by the learned counsel for the respondent that as and when there is work in the Corporation, they used to engage the part time sweepers on daily wages through the contractors and therefore, such employees cannot claim any right against such non sanctioned posts and therefore, the order of the learned single judge, is liable to be set aside.

On the other hand, it is submitted by the learned counsel for the petitioner that there are number of vacancies in the Corporation and the number of part time sweepers have been working in the Corporation at a meager sum of Rs.1,000/- since a long time and therefore, their cases falls within the purview of G.O.Ms.No:212 for considering their cases for regularization. Therefore, the order of the learned single Judge, does not warrant any interference by this Court.

The writ petition has been moved by the petitioner Union, which is a registered one. There is no dispute as to the part time sweepers working in the corporation. But, the case of the Corporation is that they used to utilize the services of the part time sweepers through the contractors as and when the occasion arises and therefore, they cannot claim any right for being regularized. We have perused the order impunged, which merely goes to show that the cases of the part time sweepers shall be considered in consonance with G.O.Ms.No:212, dated 22.4.1994. Therefore, in this view of the matter, there is no illegality or irregularity in the order impugned and We see no merits in this appeal and the same is liable to be dismissed.

In the result, this writ appeal is dismissed. No costs.

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Justice T.Meena Kumari

Date : 13th September, 2005.

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Justice P. Lakshmana Reddy

Dvs/Gurc.

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO. 1041 of 2005

(Judgment delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 13th September, 2005